

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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NATHANIEL JENKINS,

Plaintiff,

v.

Case No. 21-10589

HEIDI WASHINGTON, *et al.*,

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFF'S  
MOTION TO CHALLENGE VENUE CHANGE**

On March 9, 2021, Plaintiff Nathaniel Jenkins, a state prisoner at Oaks Correctional Facility in Manistee, Michigan, filed a *pro se* complaint under 42 U.S.C. § 1983. (ECF No. 1.) He alleged state prison official violated his constitutional rights by, among other things, revoking his prison privileges and failing to provide him access to fair grievance processes.

On June 22, 2021, the court transferred the case to the United States District Court for the Western District of Michigan. (ECF No. 5.) The court noted that the events giving rise to Plaintiff's complaint occurred at the Chippewa Correctional Facility in Chippewa County, Michigan. (*Id.*, PageID.87.) In addition, all named Defendants were located in either Chippewa County or Ingham County, Michigan. (*Id.*) Both Chippewa County and Ingham County are in the Western District of Michigan. (*Id.*) Thus, the court held that Plaintiff had not filed the complaint in a proper venue, and the case was transferred. (*Id.*)

On June 28, 2021, Plaintiff mailed a “Motion to Challenge Venue Change.” (ECF No. 6.) He argues that Michigan State University, in an unidentified case, was permitted to litigate in this district. (*Id.*, PageID.88.) In addition, Plaintiff asserts that three Defendants are located in Lansing, Michigan and, therefore, this district is a proper venue. (*Id.*) Finally, Plaintiff asserts that Defendants, by “issuing [a] misconduct ticket and responding to his grievances,” discriminated against him on the basis of race. (*Id.*)

The court construes the instant motion as a motion for reconsideration of the court’s June 22 order. To prevail on a motion for reconsideration, there must be a “palpable defect” by which the court was “misled.” E.D Mich. L.R. 7.1(h)(3). “A ‘palpable defect’ is a defect which is obvious, clear, unmistakable, manifest, or plain.” *Hawkins v. Genesys Health Sys.*, 704 F. Supp. 2d 688, 709 (E.D. Mich. 2010) (Borman, J.). In addition, “correcting the defect” must “result in a different disposition of the case.” E.D Mich. L.R. 7.1(h)(3). A motion for reconsideration that presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Id.*; *see also Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999) (Gadola, J.).

Plaintiff in the instant motion fails to identify a “palpable defect” in the court’s June 22 transfer order. E.D Mich. L.R. 7.1(h)(3). The fact that a third party not named in this suit, at some point in time, properly litigated in this district has no bearing on venue in this case. Further, while Plaintiff is correct that several Defendants are located in Lansing, as the court noted in its June 22 order, Lansing is in Ingham County and Ingham County is in the Western District of Michigan. Finally, the merits of Plaintiff’s claims, and whether Defendants discriminated against him on the basis of race, are not

relevant to the issue of venue. Transfer of this case to the Western District of Michigan was warranted, and the court will deny Plaintiff's motion for reconsideration.

Accordingly,

IT IS ORDERED that Plaintiff's "Motion to Challenge Venue Change" (ECF No. 6) is CONSTRUED as a Motion for Reconsideration and DENIED.

s/Robert H. Cleland /  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: August 11, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 11, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /  
Case Manager and Deputy Clerk  
(810) 292-6522

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